

July 23, 2020

Erin Appert  
Flathead County Planning & Zoning Office  
1035 First Avenue West  
Kalispell, Montana 59901



RE: FPP 20-11 Rolling Acres

Dear Erin:

Thank you for the opportunity to comment on the above referenced subdivision. The landfill capacity currently available is from 30 to 60 years based upon an annual tonnage increase of 2% per year respectively.

The District requests that all new subdivisions use a private hauler to bring the solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. Evergreen Disposal is the (PSC) Public Service Commission Licensed hauler in this area. Their business phone number is 406-257-1739.

After reviewing the project summary, I believe that the issue of solid waste disposal has been addressed.

Please feel free to contact me with any questions. My direct number is 406-758-5773. Thank you again for the opportunity to comment on this project.

Respectfully,

James Chilton  
Operations Manager  
Flathead County Solid Waste District

## FLATHEAD COUNTY SOLID WASTE DISTRICT



# *Creston Rural Fire District*

*4498 Montana 35  
Kalispell, Montana 59901*

July 24, 2020

Flathead County Planning and Zoning Office  
Erin Appert  
40 11<sup>th</sup> Street West, Ste. 220  
Kalispell, Montana 59901



**RE: FPP-20-11 Rolling Acres**

Erin::

Creston Fire District is in receipt of the above referenced proposal for Rolling Acres Subdivision.

A project of this size does bring to the forefront several safety concerns. Obviously the amount of traffic that would “dump” onto an already busy Columbia Falls Stage Road is a safety issue. It is well known that drivers use this road as a “connector” to Hwy 35 and it is also known that the posted speed limit seems to serve as a suggestion only to many of these drivers who are often inattentive to the world around them. Putting vehicles of the number that will come from this large development will serve to create many safety hazards.

From a fire perspective this project will require either a fire hydrant system (preferred) to International Fire Code standards or a large quantity water tender recharge facility. If a recharge facility is the chosen method of water delivery for fire, the minimum usable gallonage will be 30,000 gallons with a “keep full” filling requirement and a minimum of a 500 gpm discharge pump from the tank(s). We would need to coordinate the location for such a facility as it must be accessible from all areas of the development year round and it must be capable of handling large, heavy truck traffic, ideally this water facility would be near Columbia Falls Stage. Maintenance of such facility will initially be the responsibility of the developer with future responsibility going to the HOA. Such facility would have to be completed and operational prior to any building within the development.

Other concerns are for ease of access to all lots and easy to read signage to include address numbers visible from the main roadways. It is difficult to tell just what challenges the Bonneville Power Administration easement and associated facilities might have with regard to access and safety issues. That will be one item for discussion in the future. Internal roadways will need to be able to handle large truck traffic, particularly the radius’s at corners and onto Columbia Falls Stage must be sufficient to allow for fire apparatus to easily make the corner on paved surface without backing.

It appears each lot is in the 1.25 to 1.5 acre approximate size range. Lots of this size can often become overriden with weeds and grass which pose a fire hazard to not only a single lot but to others in the area. I assume the covenants would address lot and vegetation care, etc.

Please keep me informed as plans progress for this development.

*Gary*

Gary Mahugh, Fire Chief  
Creston Fire District

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July 23, 2020

RE: FPP-20-11 Rolling Acres Subdivision

To whom it may concern:

After review of the Major Subdivision Preliminary Plat Application, the main concerns of the Flathead Conservation District include loss of agricultural lands and potential impacts from Nonpoint Source Pollution.

Some of the area proposed for subdivision is identified as Prime Farmland and Prime Farmland if Irrigated. These farmlands are not plentiful and account for approximately only 1 percent of total acreage in the county and are concentrated in the Creston area. According to census data, farmable acreage and food production are decreasing in Flathead County. If developed it will result in a permanent loss of important agricultural land and may have future impacts on the County's food security and access to locally produced crops.

The location of the proposed development also poses potential, long-term impacts to Flathead River from Nonpoint Source Pollution. As reported in the Flathead Lake Watershed Restoration Plan, developed areas on the lower Flathead River contribute significant pollution to Flathead River, and subsequently Flathead Lake. The increase of impermeable surfaces from development will result in increased stormwater runoff entering Flathead River and reduce groundwater infiltration to underground aquifers. Overtime, septic leachate may also enter Flathead River if septic systems are not maintained regularly by all 77 landowners.

Thank you for your consideration and review of the Flathead Conservation District's concerns. Please contact our office with any questions.

Hailey Graf,

Resource Conservationist  
Flathead Conservation District



## Erin Bren-Appert

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**From:** Burton, Stevie <Stevie.Burton@mt.gov>  
**Sent:** Wednesday, July 22, 2020 3:41 PM  
**To:** Erin Bren-Appert  
**Subject:** Comment letter- FPP-20-11 Rolling Acres  
**Attachments:** 014-07-22 Rolling Acres Subdivision Comment Letter.pdf

Good afternoon Erin,

Please see the attached comment letter from Fish, Wildlife & Parks on the proposed Rolling Acres subdivision. Thank you for the opportunity to comment.

### Stevie Burton

Administrative Assistant

*Regional Administration*

Montana Fish, Wildlife & Parks, Region 1

490 N. Meridian Rd

Kalispell, MT 59901

Ph:(406) 751-4579

[Montana FWP](#) | [Montana Outdoors Magazine](#)



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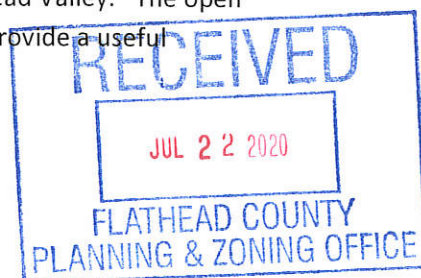
Region One  
490 North Meridian Road  
Kalispell, MT 59901  
(406) 752-5501  
Ref: 014-07-22  
July 22, 2020

Flathead County Planning and Zoning  
Attn: Erin Appert, Planner I  
40 11<sup>th</sup> Street West, Ste. 220  
Kalispell, MT 59901  
[ebrenappert@flathead.mt.gov](mailto:ebrenappert@flathead.mt.gov)

**Re: FPP-20-11 Rolling Acres Subdivision**

Dear Ms. Appert,

We appreciate the opportunity to comment on the preliminary plat approval of Rolling Acres Subdivision. The proposed subdivision would create 77 lots on 114.9 acres to be accessed from Columbia Falls State Road in Flathead County, Montana. This subdivision would be constructed in agricultural lands in a very rural part of the Flathead Valley. It is sits between Columbia Falls Stage Road and the Flathead River, just outside, but adjacent to, the river's riparian corridor. It is in close proximity to two large conservation easements that together protect nearly 900 acres of riparian habitat, wetlands, and agricultural land along the Flathead River from subdivision, providing wildlife habitat and movement corridors. A map reflecting the existing conservation easements and this proposed subdivision is included at the end of this document. Agricultural land along the river corridor, like this property, provide important habitat for numerous wildlife species, including spring nesting habitat and fall feeding for migratory waterfowl, pheasants and turkeys, as well as habitat for white tailed deer and elk. The adjacent riparian areas comprise important movement corridors for both grizzly and black bears, as well as the occasional mountain lion. We anticipate that the development of this subdivision will result in increased levels of human-wildlife conflicts, as well as a significant loss of wildlife habitat and connectivity along the riparian movement corridor. Cumulative impacts from this high-density housing development will add to the continued loss of wildlife habitat in the Flathead Valley. The open space provided is a powerline corridor and will not function as wildlife habitat or provide a useful movement corridor.





### Deer and Elk Winter Range

The proposed project area is elk and deer winter range. As development in the Flathead Valley increases, winter range in the valley bottom and along the riparian zones is decreasing dramatically. Thriving, manageable elk and deer populations need significant acreages of contiguous, unfragmented winter range. Once developed, it is lost.

Development of this area will fragment the habitat with roads and building construction, and associated human and domestic pet activity will further impact the area. The resulting development will decrease overall winter range for both elk and deer in the valley. Cumulative decreases in winter range results in increased conflict and game damage on remaining crop lands and riparian zones. In addition, the destruction of deer and elk winter range will reduce the overall carrying capacity for these species in the Flathead. Remaining deer will likely become pests that eat ornamental flowers and plants. Options to manage these deer will be limited because of the subdivision.

FWP is often questioned as to whether the subdivision of winter range really has any effect on ungulate wildlife populations. Winter range is not as limited as wetlands, for instance, or as easy to delineate as a riparian area. Winter ranges are the most limiting habitat type for ungulates and serve the winter needs for animals migrating from higher elevation summer ranges as well as providing for the yearlong habitat needs of a lower density of resident animals. The impact of any single subdivision proposal is typically small due to the previously mentioned fact that winter range habitat is more widespread. However, the cumulative effects of subdivisions over time or the effects of larger or extensive anticipated future subdivisions in the area can have significant impacts on wintering ungulates if considerations for winter range are not incorporated into the planning. In short, alterations in winter range in quality or availability will result in significantly lower ungulate populations. We propose the developer and others review the Winter Range subdivision recommendations and work with FWP wildlife biologists before lot lines are developed and proposed.

### Agricultural Area

To mitigate impacts of housing developments on spring migratory waterfowl, including sandhill cranes, we recommend clustering development to maintain tracts of undeveloped lands. Establishing smaller residential lots with larger tracts of undeveloped land will help maintain important wildlife habitat. The current subdivision will eliminate all nesting, foraging and cover potential for migratory waterfowl and upland game birds.

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### Wildlife Attractants/Wildlife Conflicts/Living with Wildlife

High density human developments within wildlife habitat result in anthropomorphic attractants that often bring wildlife into conflict with people. This subdivision will result in increased conflicts with black and grizzly bears, as well as with white tailed deer.

By reducing attractants, homeowners can ensure public human safety and the wildlife that will continue to frequent the area. To reduce the potential for human/bear, human/mountain lion, human/deer, and other human/wildlife conflicts associated with new developments, FWP prints several brochures that can be helpful in preventing/reducing human/wildlife conflicts. These brochures include such titles as Living With Black Bears, Living With Grizzlies, Why Is This Bear In My Backyard, Living With Mountain Lions, Living With Deer, Living With Skunks, Living With Raccoons, Living With Woodpeckers, Living With Bats, Putting Out the Unwelcome Mat, and Living With Dogs and Cats. FWP encourages developers or homeowners associations to provide copies of the above brochures to all new property owners. These brochures can be found on the FWP website at <http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/>.

The following conditions are recommended to minimize problems that future homeowners could have with wildlife, as well as help those individuals protect themselves, their property, and the wildlife. I recommend that all future property owners in this subdivision be made aware of the potential for wildlife conflicts and be given a copy of the following information. Future homeowners need to be aware that FWP cannot respond to all wildlife problems, and it is the homeowner's responsibility to avoid such problems. We recommend that the developer adopt the following covenants to mitigate human-wildlife conflicts.

- a) Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on lawns, gardens, flowers, ornamental shrubs, and trees in this subdivision. Homeowners need to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Landscape plantings of certain species of native vegetation are less likely to suffer extensive feeding damage by deer. We recommend the excellent booklet Minimizing Deer Damage to Residential Plantings, put out by the Montana State University Animal & Range Sciences Extension Service and available online at: [http://www.animalrangeextension.montana.edu/articles/wildlife/deer\\_damage.htm](http://www.animalrangeextension.montana.edu/articles/wildlife/deer_damage.htm).
- b) Fruit-producing trees and shrubs should not be allowed because they attract bears. If present they must be fenced with electric fencing to deter bears. Keep produce and any fruit picked and off the ground. Ripe or rotting fruit or vegetable material attracts bears, deer, skunks, and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller, or electric fences utilized.
- c) Garbage must be stored either in secure, bear-resistant containers or indoors, preferably both, to avoid attracting wildlife such as bears and raccoons. If stored indoors, garbage cans

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may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. If home sites are occupied seasonally or if the occupants are to be away from the household for 7 days or more, garbage from the home, other buildings, or containers must be removed from the property prior to their departure.

- d) Do not feed wildlife or offer supplements such as salt or mineral blocks, attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that can lead to overuse of vegetation, disease transmission, and other adverse effects to wildlife (such as foundering of deer). Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract ungulates, bears, or mountain lions with supplemental food attractants (any food, garbage, salt block, hay, grain, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer often attract mountain lions to the area.
- e) Birdseed is an attractant to bears, deer, and turkeys. Use of bird feeders should be discouraged from April 1 through November 30.
- f) Pets at large, particularly dogs and cats, are a real threat to wildlife. Pets must be confined to the house, a fenced yard, or an outdoor kennel when not under the immediate control of the owner, and not allowed to roam. Under state law it is illegal for dogs to chase hoofed game animals (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife. We recommend the FWP brochure Living with Dogs & Cats.
- g) Pet food must be stored indoors, in closed sheds, or in bear-resistant containers to avoid attracting wildlife such as bears, mountain lions, skunks, and other wildlife. When feeding pets, do not leave food out overnight.
- h) Barbecue grills must be stored indoors, and permanent outdoor barbecue grills should be cleaned thoroughly after each use. Food spills and smells on and near the grill attract bears and other wildlife.
- i) Fencing of lot boundaries is discouraged. If used, rail or smooth wire fences will be erected that are no higher than 40" at the top rail/wire and no lower than 18" at the bottom rail/wire to facilitate wildlife movement and help avoid animals becoming ensnared and killed by the fence or injuring themselves when trying to jump the fence. Please refer to the helpful booklet on wildlife friendly fences available from FWP and online at: <http://fwp.mt.gov/fishAndWildlife/landowners/>.

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- j) Compost piles and beehives attract bears and if permitted, must be fenced with electric fencing.
- k) Domestic animals such as horses, cattle, pigs, sheep, goats, llama, poultry, etc. (including those kept as 4H projects), can attract bears, mountain lions, and coyotes. Animals must be housed with this in mind, and livestock feeds, especially grain-related, must be fed in a manner that does not allow deer or bears to have access to them.

Thank you again for the opportunity to comment.

Sincerely,

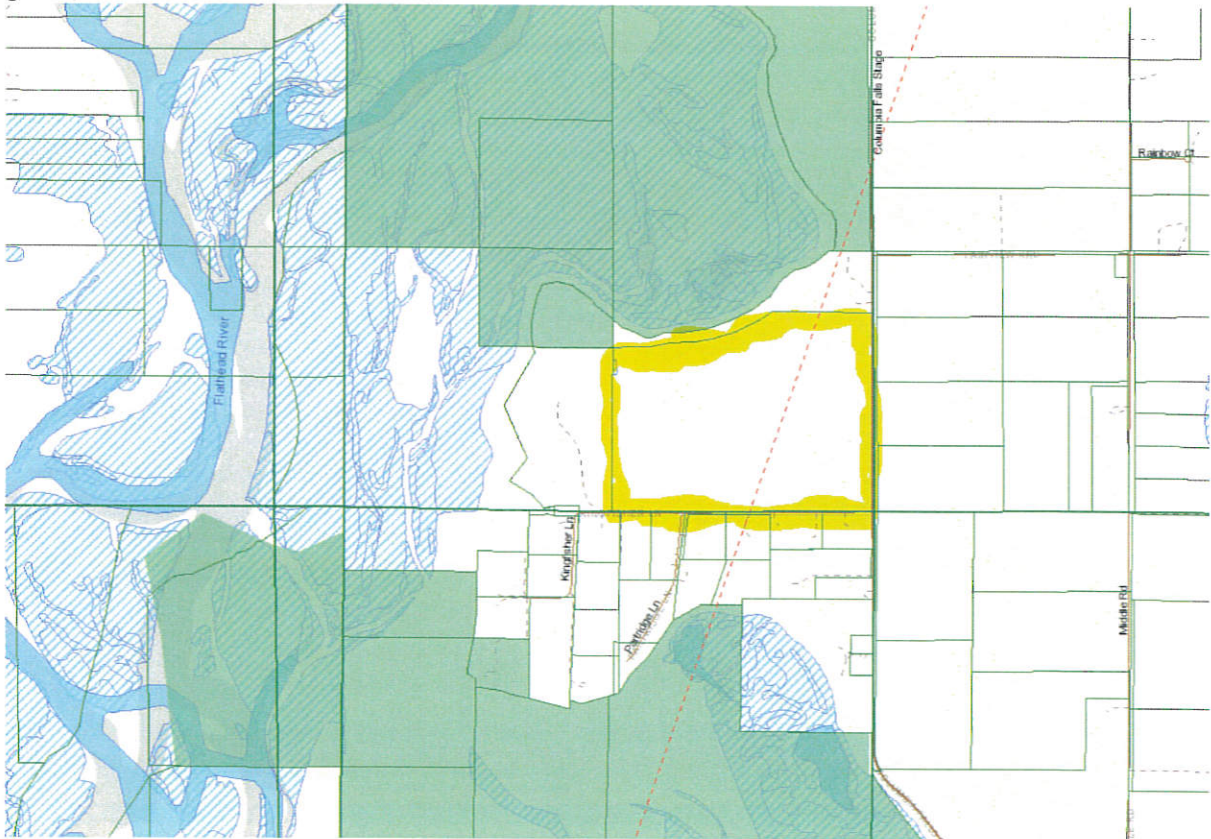
*/s/ Jessie Coltrane*

Jessie Coltrane, PhD  
Area Wildlife Biologist

*/s/ Kris Tempel*

Kris Tempel  
Habitat Conservation Biologist

Figure 1: Proposed Rolling Acres Subdivision outlined in yellow; existing Conservation Easements shaded green; BPA easement red dashed line.



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## Flathead City-County Health Department

1035 First Ave. West Kalispell, MT 59901  
(406) 751-8101 FAX 751-8102  
[www.flatheadhealth.org](http://www.flatheadhealth.org)

Community Health Services  
751-8110 FAX 751-8111  
Environmental Health Services  
751-8130 FAX 751-8131  
Family Planning Services  
751-8150 FAX 751-8151  
Home Health Services  
751-6800 FAX 751-6807  
WIC Services  
751-8170 FAX 751-8171  
Animal Shelter  
752-1310 FAX 752-1546

May 26, 2020

Flathead County Planning & Zoning  
Attn: Erin Appert  
1035 1<sup>st</sup> Avenue West  
Kalispell MT 59901

**SUBJECT: FPP 20-11 Rolling Acres**, Tract 1 in SE¼ of Section 30, T29N, R20W, P.M.M., Flathead County

Dear Erin,

This office has reviewed the information provided and submits the following comments:

1. This project proposes 77 lots served by individual wastewater treatment systems and shared wells. This proposal is subject to review under Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal

If you have questions, please contact Environmental Health at 751-8130.

Professionally,

Wendee Jacobs, RS  
Flathead County Sanitarian







**FLATHEAD COUNTY  
ROAD AND BRIDGE  
DEPARTMENTS**

**1249 WILLOW GLEN DRIVE  
KALISPELL, MT 59901  
Phone: (406) 758-5790**

July 8, 2020

Erin Appert  
Planner I  
Flathead County Planning & Zoning Office  
40 11<sup>th</sup> Street West, Ste. 220  
Kalispell, MT 59901

RE: FPP-20-11 Rolling Acres

Dear Erin:

We have reviewed the application for preliminary plat for Rolling Acres Subdivision. After our review of the application and Appendix Q – Traffic Impact Study, prepared by Abelin Traffic Services, we do not have any comments at this time.

Please feel free to contact us should you need any further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Prunty".

David Prunty  
Public Works Director  
Flathead County Road & Bridge





## Department of Energy

Bonneville Power Administration  
2520 U.S. Highway 2 East  
Kalispell, Montana 59901

TRANSMISSION SERVICES

July 10, 2020

In reply refer to: TERR/Kalispell

Flathead County Planning and Zoning Office  
ATTN: Erin Appert, Planner I  
40 11<sup>th</sup> Street West, Ste. 220  
Kalispell, MT 59901



RE: FPP-20-11 Rolling Acres Subdivision

Dear Ms. Appert:

The Bonneville Power Administration (BPA) has reviewed the above-mentioned proposed plat and its relationship to the BPA 200-foot wide transmission line right-of-way that this plat impacts. BPA does have some concerns with the activity that may occur within the Rolling Acres Subdivision (Preliminary Plat – General Lot Layout) and the proposed lots (numbered 1, 2, 3, 4, 5, 8, 27, 28, 39 and 40) intended for residential lots as well as the subdivision's sections of Meadow Lark Drive, Snow Peak Road, Jayla Lane and Wiedy Lane which cross BPA's right-of-way.

BPA easements are taken with certain restrictions on the underlying land. In order to maintain operation and safety criteria, all activities planned within the BPA right-of-way need to be approved by BPA prior to their occurrence. Activities that block maintenance crews (such as the installation of fences and landscaping) or safety concerns (such as buildings, public roads, driveways, utilities, small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner's expense.

In order to avoid problems in this location and to notify prospective landowners, BPA requests that the language be included on the plat map:

*The Bonneville Power Administration (BPA) imposes certain conditions on the portions of those properties encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (509) 468-3081.*

Whether or not this property is subdivided and/or this plat approved, the owner will need to submit a land use application, the associated \$250 landowner application fee and/or the \$2,500 for the subdivision application fee and acquire a Land Use Agreement from BPA for any portion of the owner's development plans that lie within BPA's right-of-way. Enclosed is some information indicating compatible uses of BPA rights-of-way and a land use application for the developers use.

If you have any questions regarding this request or need additional information, please feel free to contact me at the above address or by telephoning me at (509) 468-3081 or by email at [arraymond@bpa.gov](mailto:arraymond@bpa.gov).

Sincerely,

*Amanda Raymond*

Amanda Raymond  
BPA Field Realty Specialist

Enclosures

cc:

ATTN: Betty Trueblood  
40 Claremont Street, #101  
Kalispell, MT 59901-3584

ATTN: Unique Realty Developer, Inc.  
2783 Columbia Falls Stage  
Columbia Falls, MT 59912

ATTN: TD&H Engineering  
450 Corporate Drive, Suite 101  
Kalispell, MT 59901

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